

IN RE: PETITION FOR ZONING VARIANCE
S/S of Daisy Avenue, 150' E
of the c/l of Tulip Avenue
(Lots 295 and 296 Daisy Avenue)
13th Election District
1st Councilmanic District
Thomas S. O'Neill
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-433-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a building lot of 50 feet in width in lieu of the required 55 feet in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as Lots 295 and 296 on Daisy Avenue, consists of 6,250 sq. ft. combined, and is presently unimproved. Said property is part of the subdivision known as the English Consul Estates which was recorded in the early 1900s with 25-foot wide lots. Mr. O'Neill testified he purchased the subject property with the intention of developing same with a single family dwelling. Testimony indicated that all the other homes in the neighborhood were developed on 50-foot wide lots. Petitioner testified that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general

welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of May, 1990 that the Petition for Zoning Variance to permit a building lot of 50 feet in width in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The proposed dwelling shall be a single family dwelling built in accordance with all building code requirements. No multi-family dwelling use of the subject property shall be permitted.
- 3) There shall be no additional variances requested for the subject property.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

- 2 -

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-433-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1. To allow for a buildable lot with a width of 50 feet in lieu of the required 55 feet.

1. Purchased lots to build
2. I had water & sewage run to lots

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Attorney's Telephone No.:

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature
3823 New York Ave. 636-8925
Baltimore, MD 21227
3823 New York Ave. 636-8925
Baltimore, MD 21227
J. Robert Haines
3823 New York Ave. 636-8925
Baltimore, MD 21227

ORDERED By The Zoning Commissioner of Baltimore County, this 28 day of March, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2 day of May, 1990, at 2 o'clock P.M.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
(over)

Beginning at a point on the south side of Daisy Ave. which is 50' wide at the distance of 150' East of the center line of the nearest improved intersecting street "Tulip Avenue", which is 50' wide being Lots #295-296 Block 325, Section "B", in the Subdivision of English Consul Estates as recorded in Baltimore County Plat Book W.P.C. #3 Folio 109, containing 6,250 sq. ft. located in the 13th District

ORDER RECEIVED FOR FILING
Date 5/9/90
By JRH

ORDER RECEIVED FOR FILING
Date 5/9/90
By JRH

ORDER RECEIVED FOR FILING
Date 5/9/90
By JRH

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4150
Number
1623

5/02/90

PUBLIC HEARING FEES
QTY PRICE
1010 ZONING VARIANCE (11L) 1 \$37.00
TOTAL \$37.00

LAST NAME OF OWNER: ONEIL

0 032*****35001a 50787
Please make checks payable to: Baltimore County

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on May 2, 1990 at 2:00 p.m.

Variance: To allow for a buildable lot with a width of 50 feet in lieu of the required 55 feet. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit for good cause shown. Such request must be in writing and received in this office by the date of the hearing and shown or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
APR 5 1990

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 6, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 5, 1990.

THE JEFFERSONIAN,
S. Z. Z. Z. Z.
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 90-433-A
Towson, Maryland

District: 13th Date of Posting: _____

Posted for: Variance

Petitioner: Thomas S. O'Neill et ux

Location of property: S/S of Daisy Avenue, 150' E of the c/l of Tulip Avenue (Lots 295 & 296)

Location of Sign: On part of lots 295 & 296

Remarks: _____

Posted by: J. Robert Haines Date of return: 4-19-90

Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4150
Number
2349

5/02/90

PUBLIC HEARING FEES
QTY PRICE
080 POSTING SIGNS / ADVERTISING 1 X \$91.13
TOTAL: \$91.13

LAST NAME OF OWNER: ONEIL

0 115*****9113a 5038F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

DATE APR 18 1990

Mr. & Mrs. Thomas S. O'Neill
3823 New York Avenue
Baltimore, Maryland 21227

Re: Petition for Zoning Variance
CASE NUMBER: 90-433-A
S/S Daisy Avenue, 150' E of c/l of Tulip Avenue
(Lots #295 and #296)
13th Election District - 1st Councilmanic
Petitioner(s): Thomas S. O'Neill, et ux
HEARING: WEDNESDAY, MAY 2, 1990 at 2:00 p.m.

Dear Mr. & Mrs. O'Neill:

Please be advised that \$ 91.13 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

March 23, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-433-A
S/S Daisy Avenue, 150' E of c/l of Tulip Avenue
(Lots #295 and #296)
13th Election District - 1st Councilmanic
Petitioner(s): Thomas S. O'Neill, et ux
HEARING: WEDNESDAY, MAY 2, 1990 at 2:00 p.m.

Variances to allow for a buildable lot with a width of 50 feet in lieu of the required 55 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing and shown or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. O'Neill

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 9, 1990



Dennis F. Rasmussen
County Executive

Mr. Thomas S. O'Neill
3023 New York Avenue
Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE
S/S of Daisy Avenue, 150' E of the c/l of Tulip Avenue
(Lots 295 and 296 of Daisy Avenue)
13th Election District - 1st Councilmanic District
Thomas S. O'Neill - Petitioner
Case No. 90-433-A

Dear Mr. O'Neill:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

March 23, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 293, 294, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, and 306.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Traffic Engineer Assoc. II

MSF/lvw

RECEIVED
MAR 27 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: March 15, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Thomas S. O'Neill, Item 301

The Petitioner is requesting a Variance to permit a 50 ft. lot width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request:

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate front, side and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

April 23, 1990



Dennis F. Rasmussen
County Executive

Mr. Thomas S. O'Neill
3023 New York Avenue
Baltimore, MD 21227

RE: Item No. 301, Case No. 90-433-A
Petitioner: Thomas S. O'Neill
Petition for Zoning Variance

Dear Mr. O'Neill:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this
28th day of March, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Thomas S. O'Neill

Petitioner's Attorney:

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief

March 21, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: THOMAS S. O'NEIL
Location: S/S DAISY AVENUE LOT #295, 296
Item No.: 301 Zoning Agenda: MARCH 27, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *John Kelly* 3-22-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 3, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for March 27, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 295, 296, 298, 299, 301, 303, 304, 305 and 306.

For Item 293, a County Review Group Meeting may be required.

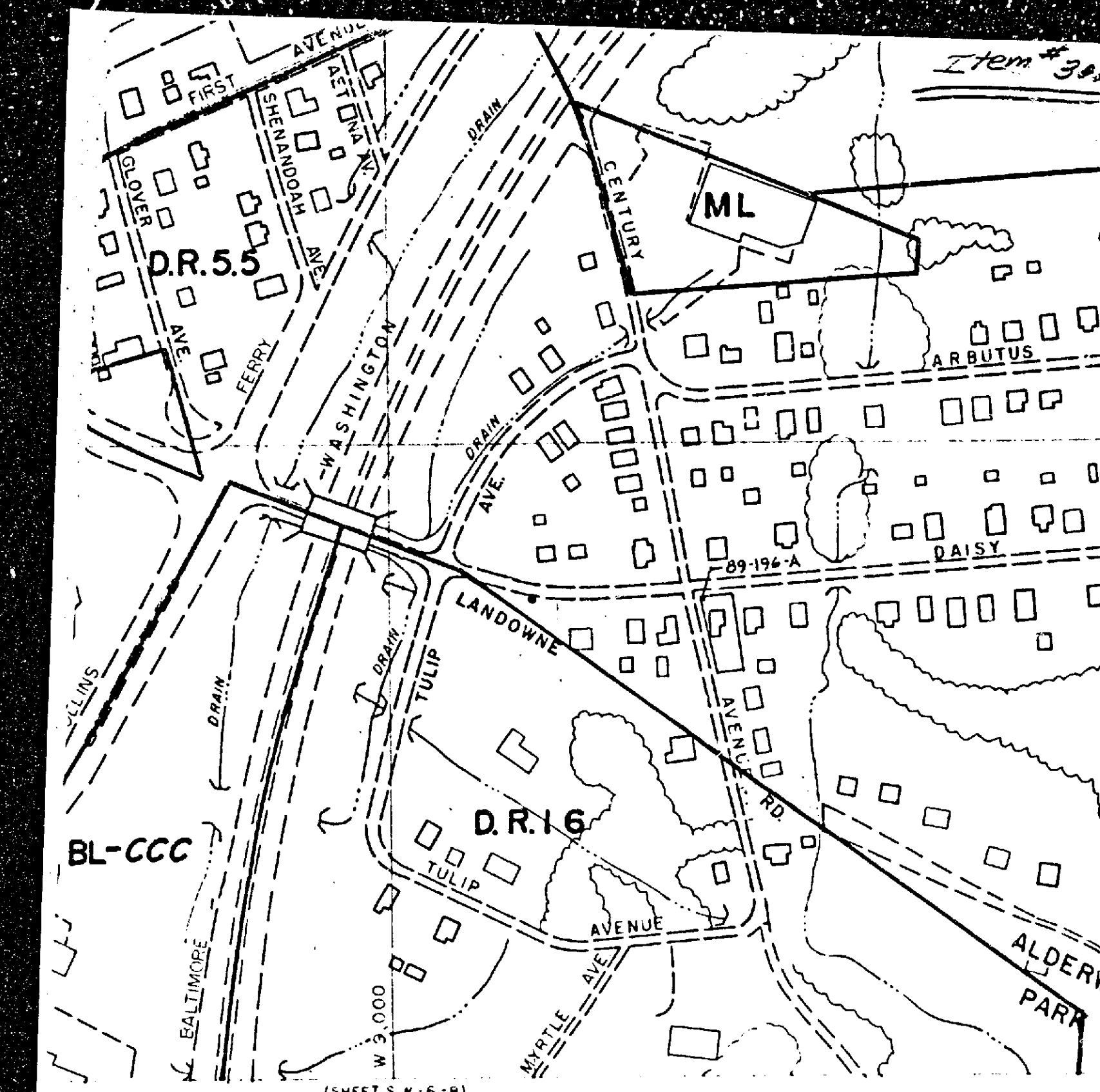
For Item 294, the previous County Review Group comments apply and a Public Works Agreement may be required.

For Item 297, a County Review Group Meeting and Public Works Agreement may be required.

For Item 302, the previous County Review Group comments apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s



BALTIMORE COUNTY
OF PLANNING AND ZONING
ICIAL ZONING MAP

90-433-A

